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Rimini Street, Inc., and Seth Ravin

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;

and ORACLE INTERNATIONAL

CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;

SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL
**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL
PORTIONS OF DEFENDANTS'
MOTION TO EXCLUDE CERTAIN
INQUIRY, EVIDENCE OR
ARGUMENT REGARDING
TOMORROWNOW, INC. AND
ACCOMPANYING EXHIBITS
A, B and D**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin ("Rimini") respectfully requests that the Court grant leave to file under seal portions of the Motion to Exclude Certain Inquiry, Evidence or Argument Regarding TomorrowNow, Inc. ("Motion

1 to Exclude”) and accompanying Exhibits A, B and D. A public, redacted version of Motion to
 2 Exclude was filed on May 20, 2015. Additionally, on May 20, 2015, the unredacted version of
 3 Exhibits A, B and D were filed under seal.

4 The Protective Order provides that: “Counsel for any Designating Party may
 5 designate any Discovery Material as “Confidential Information” and as “Highly Confidential
 6 Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in
 7 good faith believes that such Discovery Material contains such information and is subject to
 8 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of
 9 any Discovery Material as “Confidential Information” or “Highly Confidential Information-
 10 Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party
 11 reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

12 The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials
 13 for many types of information, including, but not limited to, trade secrets or other confidential
 14 research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,
 15 1211 (9th Cir. 2002) (citations omitted).

16 Sealing portions of the Motion to Exclude is requested because the document contains
 17 information that Rimini has designated as “Highly Confidential Information – Attorneys’ Eyes
 18 Only” under the terms of the Protective Order. This information includes references to the deposition
 19 transcript of Seth Ravin that Rimini has designated “Confidential” and “Highly Confidential
 20 Information – Attorneys’ Eyes Only.” The Protective Order provides that: “Counsel for any
 21 Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly
 22 Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if**
 23 **such counsel in good faith believes that such Discovery Material contains such information and**
 24 **is subject to protection under Federal Rule of Civil Procedure 26(c).** The designation by any
 25 Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential
 26 Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the
 27 Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶
 28 2 (emphasis supplied).

1 A description of the Exhibits to be filed under seal referenced in this Motion to
2 Exclude is included below:

- 3 1. **Exhibit A** consists of selected excerpts from the deposition testimony of Seth
4 Ravin taken in the above captioned case on November 17, 2011. The excerpted
5 passages have been designated “Confidential” or “Highly Confidential
6 Information – Attorneys’ Eyes Only” by Rimini Street.
- 7 2. **Exhibit B** consists of selected excerpts from the deposition testimony of Seth
8 Ravin taken in the above captioned case on November 18, 2011. The excerpted
9 passages have been designated “Confidential” or “Highly Confidential
10 Information – Attorneys’ Eyes Only” by Rimini Street.
- 11 3. **Exhibit D** consists of selected excerpts from the deposition testimony of Seth
12 Ravin taken in *Oracle v. SAP & TomorrowNow* et al., Case No. 07-CV-1658
13 (N.D. Cal.) on July 21, 2010. Mr. Ravin’s deposition testimony has been
14 designated “Confidential” or “Highly Confidential Information – Attorneys’ Eyes
15 Only” by Rimini Street.

16 Thus, in identifying the Motion to Exclude Exhibits which contain Confidential or
17 Highly Confidential material, Rimini, as the designating party, contends that good cause exists for
18 sealing Exhibits A, B and D.

19 Rimini has submitted all other portions of the Motion to Exclude as well as all other
20 exhibits to the Motion to Exclude, for filing in the Court’s public files, which would allow public
21 access to the filings except for the documents Rimini has designated as Confidential or Highly
22 Confidential. Accordingly, the request to seal is narrowly tailored.

23 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to
24 file portions of the Motion to Exclude Certain Inquiry, Evidence or Argument Regarding
25 TomorrowNow, Inc. and accompanying Exhibits A, B and D under seal.

1 DATED: May 20, 2015

SHOOK, HARDY & BACON

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3 By: /s/ Robert H. Reckers
Robert H. Reckers, Esq.

4 *Attorneys for Defendants*
5 *Rimni Street, Inc. and Seth Ravin*
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

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